UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

GEETA RANI, *et al.*,

                Plaintiffs,   **:**

                                                        Case No. 2:23-cv-3986
        v.   **Chief Judge Sarah D. Morrison**
                                                        Magistrate Judge Chelsey M.
                                                        Vascura

OSCAR A. RIVERA, *et al.*,   **:**

                Defendants.

<u>ORDER</u>

On October 16, 2024, the Magistrate Judge issued a Report and

Recommendation (1) finding that third-party Lincoln National Life Insurance

Company, LLC failed without adequate excuse to obey the subpoena served upon it

by Plaintiffs; (2) recommending that Lincoln National be held in contempt and that

a fine of $100.00 per day be imposed on it until it complies with the requirements of

Federal Rule of Civil Procedure 45 for responding to a subpoena; and

(3) recommending that Lincoln National be ordered to pay Plaintiffs'

attorney's fees and costs reasonably incurred in connection with their motion for a

show cause hearing and their appearance at the show cause hearing. (ECF No. 25,

PAGEID # 79.) The Magistrate Judge also recommended that these sanctions not be

imposed should Lincoln National respond to the subpoena in compliance with Rule

45 within fourteen (14) days of being personally served with the Report and

Recommendation. (*Id.*)

The parties were advised of the right to file objections to the Report and Recommendation (ECF No. 25) and of the consequences of failing to do so. No objections have been filed, and the time for filing objections has passed.

For the reasons set forth therein, the Court **ADOPTS** and **AFFIRMS** the Report and Recommendation (ECF No. 25). If Lincoln National fails to respond to the subpoena within fourteen (14) days of being personally served with the Report and Recommendation, it shall be held in contempt, fined $100.00 per day until it responds in compliance with Rule 45, and required to pay Plaintiffs' attorney's fees and costs reasonably incurred in connection with their motion for a show cause hearing and their appearance at the show cause hearing.

   IT IS SO ORDERED.

/s/ Sarah D. Morrison
SARAH D. MORRISON
CHIEF UNITED STATES DISTRICT JUDGE

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